

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**VONNIE K. AGNER, and wife, JUNE
AGNER, *et al.*,**

Plaintiffs,

Vs.

Civil No. 3:98cv220

**DANIEL INTERNATIONAL
CORPORATION, f/k/a Daniel
Construction Company, *et al.*,**

Defendants.

**ROBERT F. BOST, and wife, MILDRED
BOST, *et al.*,**

Plaintiffs,

Vs.

Civil No. 3:98cv138

**DANIEL INTERNATIONAL
CORPORATION, f/k/a Daniel
Construction Company, *et al.*,**

Defendants.

ORDER

THESE MATTERS are before the Court on the Defendants' motion to quash the Plaintiffs' subpoena issued to Arnold Runion and the Plaintiffs' motion *in limine* to allow the use of certain expert testimony and report.

The Court has reviewed both motions and finds that these are matters as to which the attorneys should have been able to reach a resolution. For example, if Mr. Runion has vacation plans, the parties should be able to agree on a date for his testimony which will not interfere with

those plans.¹ As to the slides and the supplemental report of Dr. Ronald Gordon, the Plaintiffs do not allege that they have attempted to resolve this matter with defense counsel. This is a violation of the Local Rules of this Court.

Counsel are cautioned not to burden the Court with motions that should be resolved without judicial intervention.

IT IS, THEREFORE, ORDERED that counsel shall endeavor to resolve both motions without further Court interference.

¹Two grounds raised in support of the motion to quash were Mr. Runion's age and the distance between his residence and this Court. No allegations were made concerning poor health or vision which would support his inability to travel this distance.

Signed: May 9, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

